

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

VS.

KENNETH EARL BROOKS

Defendant,

2:16-cr-00193-KJD-VCF

MINUTES OF THE COURT

Dated: December 7, 2016

PRESENT:

THE HONORABLE **KENT J. DAWSON, U.S. DISTRICT JUDGE**

DEPUTY CLERK: DENISE SAAVEDRA

COURT REPORTER: HEATHER NEWMAN

PRESENT FOR PLAINTIFF: PHILLIP SMITH AND KILBY MACFADDEN, AUSA

PRESENT FOR DEFENDANT: HEIDI OJEDA AND SHARI KAUFMAN, AFPD

JURY TRIAL - DAY 3

Proceedings begin at 10:06 a.m. Defendant is present. Officer Michael Loving is present as case agent.

Outside the presence of the jury, Defense counsel makes representations as to Motion for Limiting Instruction Re: Jail calls [81] and Motion for Mistrial [80]. The Court makes ruling on the record, the Court had previously given the Instruction and will give it again. Further, the Court Denies Motion for Mistrial [80].

Jurors are present at 10:53 a.m.

Detective Edwards previously sworn to testify resumes the witness stand as witness for the Government. Mr. Smith examines the witness. Mr. Smith passes the witness for cross examination. Ms. Ojeda cross examines the witness.

Proceedings recess from 11:59 a.m. - 1:19 p.m.

Outside the presence of the jury, the Court discusses note filed by a member of the jury. Defense counsel moves for mistrial. The Court Denies Motion.

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Jurors are present in the courtroom at 2:00 p.m.

Officer Thi is sworn to testify as a witness for the Government. Ms. Macfadden examines the witness. Government exhibits 1, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, and 2-12 are marked and admitted. Ms. Macfadden passes the witness for cross examination. Ms. Kaufman cross examines the witness. The witness is excused.

Special Agent LaRusso is sworn to testify as a witness for the Government. Mr. Smith examines the witness. Mr. Smith passes the witness for cross examination. Ms. Kaufman cross examines the witness. After further examination by Mr. Smith and Ms. Kaufman, the witness is excused.

Detective Loving is sworn to testify as a witness for the Government. Mr. Smith examines the witness. Mr. Smith passes the witness for examination. Ms. Kaufman cross examines the witness. After further examination by Mr. Smith and Ms. Kaufman, the witness is excused.

Government moves for admission of exhibit 9, Evidentiary Stipulation.
Government exhibit 9 is marked and admitted.

Jurors are excused at 3:44 p.m.

Outside the presence of the jury, matters are addressed.

Proceedings recess from 3:44 p.m. - 4:05 p.m.

Jurors are admonished at 4:10 p.m.

Objections to jury instructions are placed on the record.

The Court canvasses defendant as to not testifying.

Proceedings recess at 4:37 p.m.

IT IS ORDERED that the jury trial is continued to Thursday, December 8, 2016 at 9:00 A.M..

**LANCE S. WILSON, CLERK
UNITED STATES DISTRICT COURT**

/s/ Denise Saavedra
DEPUTY CLERK